

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRIAN RUSSELL,

Plaintiff,

-against-

79 PRECINCT,

Defendant.

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BLOOM, United States Magistrate Judge:

**ORDER
24 CV 6319 (LDH)(LB)**

Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is granted. ECF No. 2. The Clerk of Court is respectfully directed to issue a summons against the City of New York,¹ and the United States Marshals Service is directed to serve the summons, complaint, and a copy of this Order upon the City of New York without prepayment of fees.

Plaintiff names John Doe police officers in the complaint. ECF No. 1 at 5. Pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997) (*per curiam*), the Court hereby directs the Office of the Corporation Counsel for the City of New York ("Corporation Counsel") to provide the full names and current service addresses of the John Doe officers involved in the September 9, 2021 incident alleged in the complaint by November 18, 2024. See ECF No. 1 at 5, 8. Corporation Counsel need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which plaintiff may name and properly serve the defendants as instructed by the Second Circuit in Valentin. Once this information is provided, plaintiff's complaint shall be deemed amended to reflect the full names of the John Doe defendants, the Clerk

¹ The 79th Police Precinct is not a suable entity. Section 396 of the New York City Charter provides that suits must be brought against the City of New York and not any agency or subdivision. See N.Y. City Charter ch. 17, § 396; Nnebe v. Daus, 644 F.3d 147, 158 n.6 (2d Cir. 2011). Therefore, no summons shall issue against the 79th Precinct.

of Court shall issue a summons for those defendants, and the United States Marshals Service shall serve the summons upon those defendants without prepayment of fees.

Consent to trial and decision on this case by a United States Magistrate Judge

The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision in this case by me, a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c).² Consent of the parties means that I may conduct all proceedings including trial of this matter and the entry of judgment in this case. The parties are free to withhold consent without adverse consequences.

If the parties consent, my decision will be entered as the decision of the Court and an aggrieved party may appeal directly to the United States Court of Appeals to the same extent and subject to the same conditions as if the decision had been rendered by a District Judge. If the parties do not consent to decision by a Magistrate Judge and a dispositive motion is referred to me, my decision shall be reported as a recommendation to the assigned District Judge.

Any party who disagrees with a Magistrate Judge's report and recommendation must file written objections within fourteen days to preserve their right to appeal. Upon receipt of written objections from a party within fourteen days, the assigned District Judge shall review the proposed recommendations to which the objection is made. The District Judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. If a Magistrate Judge's report and recommendation is accepted by the assigned District Judge, the decision shall be entered and an appeal shall lie to the United States Court of Appeals.

This information regarding the availability of a Magistrate Judge to hear the entire case on consent of the parties is not meant, in any way, to interfere with the parties' absolute right to

² The parties may receive a similar consent form from the Clerk of Court. Either form may be submitted to the Court.

decision by a United States District Judge. This is available as an option to the parties, which may expedite adjudication of this case and preserve scarce judicial resources.

SO ORDERED.

/S/
LOIS BLOOM
United States Magistrate Judge

Dated: October 2, 2024
Brooklyn, New York